



**REGULAR MEETING
MINUTES**
for
Wednesday, June 22, 2005
4:00 P.M. – Council Chamber Boardroom
and
5:30 P.M. - Art Pick Council Chambers
3900 Main Street, Riverside, CA

CASE REVIEW – 4:00 P.M.

Roll Call

Brewer	Davidson	Garcia	Gardner	Ward	Pearcy	Corral	Castro	Quinto
✓	✓	✓	✓	✓	✓	A	✓	✓

✓ = Present A = Absent

Public Comment

There were no public comments.

Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:04 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>		<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
1)	03-043	P3-03-147-240	6)	05-014	PC-05-039-245
2)	03-095	P3-03-349-218	7)	05-018	PC-05-054-126
3)	04-038	PC-04-154-139	8)	05-019	PC-05-060-034
4)	04-085	PC-04-337-155	9)	05-023	PC-05-068-316
5)	05-001	PC-05-004-255	10)	05-036	PC-05-104-163

The Commission recessed at 5:26 P.M. to reconvene in the Council Chambers.

OPEN SESSION – 5:30 P.M.

The following proceedings have been digitally recorded.
For copies, please call the CPRC office at (951) 826-5509.

Chairman Gardner led in the Pledge of Allegiance. Chairman Gardner asked Ms. Sherron to confirm commissioner attendance.

Brewer	Davidson	Garcia	Gardner	Ward	Pearcy	Corral	Castro	Quinto
✓	✓	✓	✓	✓	✓	A	✓	✓

✓ = Present A = Absent

Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
May Regular Meeting	Ward	Garcia	7	0	0
June 1 Special Meeting	Pearcy	Ward	6	0	1
June Case Review	Pearcy	Garcia	7	0	0

Executive Director's Report & Comments

Executive Director Payne reported to and advised the Commission on the following:

- Budget Update: '06 budget increased 13%
- Outreach:
 - Thanked commissioners who have stepped up for outreach;
 - options available so that all commissioners can become involved in outreach;
 - not just for commissioners to educate community, but to hear what community has to say.
- Complaints are up this year:
 - 30 as of May '04
 - 44 as of May '05

Commissioner Comments

Chairman Gardner:

- Will sit on a panel at the Riverside Neighborhood Conference at the request of Colleen Nicol, City Clerk;
- Met with City Attorney, Chief Leach, ACM Paul Sundeen, and Executive Director to discuss the investigation critique form:
 - Concern was expressed by Chief Leach and the City Manager's office that completing the form was counter to discussion;
 - Recommends discussion be used rather than the critique form if there are concerns regarding an investigation report

Vice-Chair Percy agreed, but there should be an informal tracking of cases where there are issues such as leading questions, improperly asked questions, etc.; anything that can be statistically measured should be tracked.

Executive Director Payne noted that there is currently a mechanism for that in place.

Public Comments

Mr. Tom Kenny asked about cameras in police cars and who gets the cars that have cameras and if the Commission used video from police car cameras.

Ms. Mary Shelton commented on the investigation critique and that officers seemed to be quick to want everything orally. She said that leading questions has been a long-standing issue and she feels there needs to be something in writing, noting that it is important to have oral and written discussions.

Ms. Shelton also spoke about officer-involved death (OID) investigations, saying that the Commission should try to change police culture.

Mr. Ralph Avila spoke regarding the Summer Lane OID. He asked if there were any photos of the officer's injuries from being run over by the car.

Committee Reports

- A) Outreach Committee – Brian Percy, Chair
Commissioner Percy's Report and Comments:
- Invited commissioners to sign up for outreach opportunities;
 - Going to Mayor's Night Out;
 - Asked for suggestions regarding handouts for outreach
- B) Budget Committee – Bob Garcia, Chair
Commissioner Garcia's Report and Comments:
- No meeting – waiting for budget information
- C) Policy & Procedure Review Committee - Jack Brewer, Chair
Commissioner Brewer's Report and Comments:
- Met prior to regular CPRC meeting;
 - Discussed information regarding RPD policies and CPRC By-Laws;
 - Information will go to commissioners by next meeting

Criteria for Reporting Meetings Attended by Commissioners

Commissioner Brewer questioned criteria used for meetings noted in the CPRC's monthly reports, saying that he felt it gave a false reading to the public regarding the Commission's activities.

Discussion centered on if a meeting or event should be counted because a commissioner attends or only if the commissioner is a presenter or actively involved in the meeting or event. Commissioner Percy noted that outreach also occurs in one-on-one situations and that those should be counted. Executive Director Payne said that his rule of thumb is that a meeting counts if he speaks about the Commission, even if he is not necessarily a presenter, but that meetings he attends where he doesn't discuss the Commission don't count.

Chairman Gardner recommended that the meeting or event be noted and that the commissioner's type of participation be noted.

Ms. Nanette Pratini said a meeting shouldn't be counted as outreach unless a commissioner is introduced

as a CPRC commissioner, speaks, and has literature. Just wearing a badge doesn't count. She said that Dr. Payne's rule of thumb is the best criteria.

Ms. Mary Shelton agreed with Ms. Pratini. She said that she was troubled that CPRC isn't being allowed to speak at Mayor's Night Out (MNO) and that means the CPRC isn't that important.

Chairman Gardner said that commissioners and key department heads are always introduced, but that the big issues are traffic and trains. He noted that MNO doesn't always get into city-wide issues, but that they are more area specific.

Vice-Chair Percy noted that outreach is often one-on-one and that anytime a commissioner is out and speaks about what they do, that's outreach.

Executive Director Payne informed the Commission that the CPRC meetings are being advertised in the Press-Enterprise and will also be posted in the Black Voice News.

Critique of the Stokes Memo

Commissioner Ward asked that this item be put on agenda. He said that during the process of working on the Stokes report, he had some concerns. He said that when the Commission decided that a memo was to be issued, he, along with Commissioners Percy and Gardner, met to draft a memo. A copy of the draft went to all commissioners for their input and then went to Commissioner Percy for polishing. Commissioner Ward said that he focused on policies while Commissioner Percy focused on the ordinance. After this, the Commission started meeting to finalize the memo. He said he felt considerable effort was made to soften things for the RPD.

Commissioner Ward said there was a meeting where some final changes were made. The Chair would review the changes and then publish the report. However, after the changes were made, errors were discovered. He said he received a call from the Chair, who said he had some concerns about errors in the report that had come to light during a meeting with Chief Leach.

Commissioner Ward said that after errors were found, he felt there were efforts to minimize the message that Commission was trying to get across. He said that the Press-Enterprise article reads that way and referred to the statement made by the Chair. He said the article also says that Banfill's refusal to speak to the Commission was a violation of policy, yet the memo says that she violated policy by not giving the Officer-Involved Shooting Team (OIST) a statement. Commissioner Ward closed by saying that he doesn't understand why the memo was taken to Chief Leach.

Chairman Gardner said that because the report was critical of the Department, as a professional courtesy, he wanted to give the Chief a heads up prior to its publication. The Chief saw the error that was also found by Commissioner Ward. The error verified by the transcript in the case file. Chairman Gardner said he then called the commissioners to advise them of the error, after which he and the Executive Director revised the memo. When it went back to the Commission, it was decided that too much had been removed, so the Commission revised the memo again and published it.

Regarding the Press-Enterprise article, Chairman Gardner said that he was only answering the reporter's questions. He said that Banfill's refusal to be interviewed resulted in the public not knowing what happened.

Executive Director Payne said that the story in Press-Enterprise doesn't necessarily reflect the information given to the Press-Enterprise reporter by the Chair. Chairman Gardner agreed. He said that the quote was close to but not exactly what he said and that was taken out of context. He said that he didn't say the Stokes case was the first time the Commission had seen an investigation it didn't like, but that it was the first time it didn't have an interview from one of the involved officers. Executive Director Payne also said

that the Chair never said that Officer Banfill violated policy by not talking to the Commission.

Chairman Gardner said that Commissioner Ward was correct in raising the issue, but that the fault lies with the reporter or the editor's cutting of the reporter's original story. Commissioner Quinto said that she was misquoted in the article about the RCPA's Report Card of the CPRC.

Commissioner Ward said he understood as he has also been misquoted. He said he checked the transcripts of Officer Banfill's interview with the OIST and checked the memo. He said that the memo never stated that she was not given those options, but that it said that the OIST failed to use either of those options. He said that was not a misstatement on the Commission's part. He said that the RPD doesn't share anything that they publish with the Commission and feels it is inappropriate for the Commission to do so. Executive Director Payne said that the Chief has contacted him to give him a heads up regarding actions he intends to take.

Ms. Mary Shelton said she was very critical of the memo. She said she wasn't aware that the Chief had editorialized the memo.

Chairman Gardner said that the Chief didn't editorialize the memo, but that it was given to him as a courtesy.

Ms. Shelton said she was concerned that the Chief was given the memo at all and that he had impacted the direction of the memo. She said that there is no need for a third party from RPD to review CPRC reports. She said she agrees with Commissioner Ward that the OIST failed. She again expressed concern that the Police Chief has to get a head's up since he's not an impartial observer. She said that the CPRC is an independent body and she feels nervous that the Chief has the power to change the Commission's reports.

Commissioner Garcia asked when the Chief was given the heads up – during the drafting of the memo or after it had been finalized. Chairman Gardner said that it was after the memo had been adopted. Executive Director Payne stated that it was never the intention to have Chief approve memo. The Chief was only told it was going to be published. Chairman Gardner said he understands the concern about involving the Chief regarding something the Commission puts together.

Vice-Chair Percy noted that the drafting of OID reports is an ongoing and evolving process. He said that the process of presenting report changed and that the first time, the Commission didn't have all the information it needed. He said it was the first collective writing of a report and that it is an evolving process. He said that the memo wasn't given to the Chief for suggestions or revisions, but that it was just to let him know about it and that the Chair shouldn't be criticized for doing this. Vice-Chair Percy said that type of open communication with the Chief benefits the Commission. The only critique is that the Chair and Executive Director edited the memo without the full participation of the Commission, but that the Commission revised the memo and produced something with which they all agreed. The Commission now needs to ask how the process worked and what can be done to make it better the next time.

Chairman Gardner said he doesn't feel that he had been attacked or had fingers pointed at him. He said the editing done by the Executive Director and himself was to save time and make things easier, but it actually lengthened process. He said it was a long process for everyone involved and hopes the next one can be done faster.

Commissioner Ward reiterated his feeling that it was inappropriate to go to the Chief. He said the Chair represents the Commission and that the Chair went to the Chief as though that action were approved by Commission, which it wasn't.

Commissioner Garcia said he felt it wasn't criticism, but commissioners asking questions. He also asked if the memo was presented to the Chief in a special meeting or during one of the general meetings. Chairman Gardner said it was a special meeting specifically to give the memo to the Chief because the

memo was ready to be released.

Executive Director Payne noted that the memo was given to the Chief in the presence of Mr. Joe Brann. Regarding Vice-Chair Percy's comment, Executive Director Payne said that the revising of the memo by himself and the Chair wasn't meant to distort the position of the Commission. The intention of the meeting was to let the Chief know that the memo was going to be published and to let him know what was happening, not to ask for his opinion of the memo.

Commissioner Quinto said all points have been well taken, but believes that the actions of the Chair were not malicious, just a professional courtesy. She said that she learned of memos at the NACOLE conference that took many hours by many people, noting that the CPRC is not the only Commission to take this amount of time to develop a report. She said she feels that it shows that the Commission does care about everyone involved. She applauded everyone's efforts, but feels that it's time to move on and learn from the mistakes that were made.

Adjournment

The Commission adjourned at 7:00 P.M.

Respectfully submitted,

PHOEBE SHERRON
Sr. Office Specialist